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GRIEVANCE BOARD
UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE:
HONEYBEE REGULATIONS

Hearing held on the 22nd day of October, 2002
at 9:00 a.m.

Royal Kona Resort
75-5852 Alii Drive
Kailua Kona, HI 95740
TRANSCRIPT OF PROCEEDINGS

BEFORE: HONORABLE RICHARD KELLY
USDA SPEAKERS:
WAYNE WEHLING
LINDA TORAN
AUDIENCE PARTICIPANTS:
MISHA SPERKA
DR. HELEN BEBAN
GARNETT PUETT
GUS ROUSE
PAM BRASHEAR
MICHAEL KRONES
LARRY NAKAHALA
FREDERIC COLOMBO
JUDY MIGLIORI
LYLE WONG

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18	[None]	

P R O C E E D I N G S

October 22, 2002

MR. KELLY: Good morning and welcome to the Animal and Plant Health Inspection Service's Public Hearing on a proposed rule that would allow honeybees from Australia and honeybees and honeybee germ plasm from New Zealand to be imported into the United States under certain conditions. The proposal would also impose certain conditions on the importation into the U.S. of bees and related articles from Canada, and would prohibit the interstate movement of honey bees into Hawaii, as it would also consolidate all of our regulations concerning bees. We believe these changes would make these regulations more consistent with international standards, would update them to reflect current research and germinology and would simplify them to make them more useful. My name is Richard Kelly, and I'm a Regulatory Analyst for the U. S. Department of Agriculture's Animal and Plant Health Inspection Service. I'll be the presiding officer for today's Hearing. Today's Hearing in Kailua-Kona is the first of three public Hearings that will be held on the proposed rule. The second Hearing is scheduled to be held on October 24, in Fresno, California. The third Hearing is scheduled to be held on October 29, in Beltsville,

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1 Maryland. Notice of these Public Hearings was included
2 in the proposed rule, which is published in the "Federal
3 Register" on August 19, 2002. The purpose of today's
4 Public Hearing is to give interested persons the
5 opportunity for the oral presentation of data, views or
6 arguments on the August 19 proposed rules. Those
7 persons that are testifying will have the opportunity to
8 ask questions about the proposed rule. The APHIS
9 personnel here, that being essentially Wayne, will try
10 to respond to clarify the provisions of the proposed
11 rule. However, we view this Hearing as an opportunity
12 for us to receive public comments, and not as an
13 opportunity to debate the merits of the provisions of
14 the rule. At this Hearing, any interested party may
15 appear and be heard in person or through a
16 representative. Persons who have registered either by
17 email or phone in advance of the Hearing or who
18 registered this morning in person will be given an
19 opportunity to speak in the order that they registered.
20 After all registered persons have been heard, persons
21 who have not registered can have an opportunity to
22 speak. So, in other words, if you did not sign up to
23 speak, but you decide, during the course of the meeting,
24 that you have something to say, we'll make time at the
25 end for you to do that. The "Federal Register" notice

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1 stated that today's Hearing is scheduled to start at
2 nine and conclude at 5:00 p.m. We're actually starting
3 about 9:15, and based on the number of speakers, I think
4 we'll probably be finished well before five, probably by
5 about noontime. To meet that schedule, if necessary, I
6 would have to limit the amount of time speakers could
7 speak, but judged by what you've all signed up for,
8 nobody needs an undue amount of time, and we won't have
9 to do that today. All comments made here today are
10 being recorded and will be transcribed. The Court
11 Reporter for today's Hearing is Rob Carlyon of Aloha
12 South. A copy of the Hearing transcript will be posted
13 on our website, which is given in the address section of
14 the proposed rule. We hope to have that transcript
15 posted within about two weeks. A copy of the Hearing
16 transcript is also available for public inspection in
17 our APHIS comment reading room in USDA South Building in
18 Washington, D.C. As presiding officer, I'll announce
19 each registered speaker. Before commencing your
20 remarks, I'm asking each of you to come up to the podium
21 here and speak into the microphone so that we can get a
22 clear and accurate record, as well as letting everyone
23 else hear. We also ask that you start off your
24 statement by saying and then spelling your name. This
25 is primarily for benefit of the Court Reporter. I'm

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1 requesting, and I've already asked that if you have
2 copies of your prepared statement, that you give me a
3 copy. Any written or oral comments submitted at today's
4 Hearing will become part of the public record for the
5 Hearing. If you plan to use visual aids during the
6 presentation, please let us know about that. We already
7 know of one case of using Power Point slides, and Wayne
8 is also going to be using some Power Point slides during
9 his presentation. I'd like to remind everyone the close
10 of the comment period for submitting comments on the
11 proposed rule is November 18, 2002. Any comments in
12 addition to those that are presented at today's Hearing
13 may be submitted before that date by postal mail at the
14 address listed in the proposed rule, or by email, again,
15 at the address listed in the proposed rule. Before I'm
16 concluding my remarks, I'd like to introduce the person
17 seated beside me, Mr. Wayne Wehling, who is the Program
18 Manager for this proposed rule. Mr. Wehling will
19 provide an overview of the provisions of the proposed
20 rule next, and will be available to answer questions, if
21 you have any, regarding the rule. At this point, let me
22 turn it over to Wayne.

23 MR. WEHLING: Thank you, Richard.

24 MR. KELLY: Louder. Okay, can you keep the
25 level up just a little?

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1 MR. WEHLING: Here, I'll shut both doors here
2 or the partitions. Our partition on the lower one.
3 Well good morning, everyone and welcome. It's a delight
4 to be here in Kona. Hopefully, we'll have a good
5 opportunity to gain all the information we need to move
6 forward as we think about this new proposed rule. I'm
7 Wayne Wehling. I am an entomologist with the Animal
8 Plant Health Inspection Service, Protection and
9 Quarantine. I'm in Riverdale, Maryland, which is our
10 headquarters. My area of expertise is two, actually. I
11 manage the butterfly houses and insect zoos around the
12 country, dealing with the assorted insects that are
13 selected for exhibit in those facilities. And having
14 about 35 years experience in either honeybee keeping per
15 se, or actually, in pollination ecology, I'm also
16 responsible for honeybees and other pollinary bees. So,
17 with that introduction, we'll jump right in, and
18 hopefully the electronics will be in our favor today, or
19 work in our favor. I want to give you a little bit of
20 the background and history on the rule as it exists
21 right now so you know where we're coming from. Aha, we
22 got one good side out of it. There we go. The USDA
23 deregulations arise from two separate pieces of
24 legislation. The Honeybee Act of 1922 and, more
25 recently, the Plant Protection Act of 2000. The Plant

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1 Protection Act of 2000 is actually a summary and
2 culmination of a number of other previous Acts,
3 primarily of which was the Plant Pest Act. The Honeybee
4 Act is regulated under Chapter 7 of the Code of Federal
5 Rules, Regulations, Part 322. The old -- the existing
6 regulation, as it now stands, says, and I'll just read
7 from this, "Regulates the importation of honeybees and
8 honeybee semen from any country other than Canada.
9 Honeybee importation is restricted to the USDA or by
10 permit." In other words, only the USDA is allowed to
11 import bees currently. Honeybee semen from Australia,
12 Bermuda, France, Great Britain and Sweden can be
13 imported by permit, and all other countries are
14 restricted. Honeybees from New Zealand can transit
15 Hawaii en route to Canada with proper packaging and
16 certification. The Plant Protection Act covers the
17 other portion of the bee regulations. 322 was for,
18 specifically, honeybees. 319-76 is the other pollinator
19 bees. The Apoidea and leafcutter bees and blue orchard
20 bees and those sorts. Life bees, other than honeybees
21 and the genus Apis are involved in this. This,
22 basically, is any bee in the superfamily apoidia. Used
23 bee boards, beehive -- beehives, nests and nesting
24 materials also come under this regulation. So the bees,
25 themselves, were under 322, the physical animal, but all

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1 of the related beekeeping equipment is actually under
2 319-76. So things like smokers, hive tools, gloves,
3 clothing and the like, shipping containers, are
4 regulated under 319-76. I now want to give you a little
5 bit of the background on the proposed changes. They
6 are largely the impetus of recent trade agreements,
7 primarily as a result of the World Trade Organization.
8 Both the GATT Agreement, which is the General Agreement
9 on Tariffs and Trade, and the NAFTA, North American Free
10 Trade Agreement, have been the impetus for these
11 proposed rules. Under these agreements, the United
12 States is obligated to consider honeybees from countries
13 where science-based analysis indicated acceptable risk
14 levels and/or adequate risk management. The
15 International, interesting one here, Office
16 International des Epizooties is a French organization
17 that, under WTO, has been given a responsibility of
18 coming up with the standards for regulating honeybees.
19 The WTO and NAFTA Agreements provide that member
20 countries should ensure that any sanitary or
21 phytosanitary measure is applied only to the extent
22 necessary to protect human, animal or plant life or
23 health, and that these standards are based on scientific
24 principles, and is not maintained without sufficient
25 scientific evidence. With those agreements in mind, we

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1 have had several formal requests for the importation of
2 honeybees into the United States. The first coming from
3 New Zealand clear back in 1978. More recently from
4 Australia, and now Argentina. They have all formally
5 requested access of their honeybees to our markets. We
6 have prepared risk assessments, as has been mentioned
7 here, for the importation of honeybees and honeybee
8 semen from New Zealand, and honeybees from Australia.
9 The risk assessment for Argentina is currently under
10 preparation. The proposed rule deals with two portions
11 here again. The 319 parts and 322 parts. This is
12 Docket No. 98-109-1, and its title is "Bees and Related
13 Articles. Notice of Public Hearings and Proposed Rule."
14 The proposed rule would combine 319-76 and 322 into one
15 new part, 322. So the new 322 regulation, which is
16 governed by both the old Honeybee Act and the new Plant
17 Protection Act. What I'm going to do here is just
18 basically go through and discuss the new structure of
19 the proposed rule, and also the specific changes that
20 we're proposing under that new structure. I'm going to
21 touch on just the highlights, not the full level of
22 details, so there are going to be a lot of little bits
23 and fragments that are left out. The new regulation
24 would change the terminology and bring it up to date,
25 bring it into compliance with OIE standards. It would

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1 make our regulations more consistent with those of other
2 countries. The proposal would reorganize the
3 regulations into five subparts lettered "A" through "E."
4 Subpart "A" would include definitions and general
5 requirements for interstate movement within and
6 importation into the United States for beekeeping,
7 beekeeping equipment, beekeeping byproducts and used
8 beekeeping equipment. What I'm going to do -- well,
9 that orange doesn't show up particularly well. This
10 subpart title, as I've just read it, will appear in the
11 finer print there in the top in the light color, and now
12 the changes are going to appear in orange below that.
13 So the changes that are proposed for subpart "A" are in
14 Sections 1, 2 and 3, and the changes would prohibit the
15 importation of pollen for bee feed and used beekeeping
16 equipment except for use in natural museum displays.
17 The proposed change would prohibit the interstate
18 transport of honeybees into Hawaii. Currently, the
19 restrictions of honeybees into Hawaii are state
20 legislation and not federal. The changes would
21 establish Hawaii as a honeybee pest-free area relative
22 to the OIE Guidelines and the specific organisms that
23 are considered under OIE. Subpart "B" would cover
24 importation of honeybees, honeybee germ plasm and bees
25 other than honeybees from approved regions. The

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1 changes, overall, that would be included in that part
2 would be to allow the importation of adult honeybees and
3 honeybee germ plasm from New Zealand. It would allow
4 the importation of adult honeybees from Australia. It
5 would require direct shipments from exporting countries.
6 And we'll talk a little bit more about that under
7 another part but, basically, this would not allow New
8 Zealand honeybees going to the United States that
9 stopover in Hawaii to transship. They could not switch
10 aircraft in Honolulu. This would also require an export
11 certificate from the appropriate government agency in
12 the exporting country. In addition, under this subpart
13 "B," honeybees destined for Hawaii from New Zealand or
14 Australia would require an export certificate from the
15 appropriate government agency and inspection, actually,
16 on the day of transit in New Zealand, in addition to an
17 inspection not more than ten days prior to shipment. So
18 two inspections overall. Again, continuing with subpart
19 "B," honeybees destined for Hawaii from New Zealand
20 would require that the bees are derived exclusively from
21 an apiary situated in the center of a zone of 50
22 kilometers in radius, which is about 31 miles, in which
23 no cases of Varroa have been reported for two years, but
24 for tracheal mite, the apiary must be situated in the
25 center of a zone 5 kilometers in radius for which no

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1 cases of tracheal mites have been reported in the past
2 eight months. And this is in accordance with the OIE
3 Guidelines. Continuing with subpart "B," bees other
4 than honeybees, other than honeybees, from Canada, would
5 require an export certificate indicating that the bees
6 were produced in the exporting region and that they are
7 the offspring of queens and drones or semen also of
8 Canadian origin. Subpart "C" would cover importation of
9 restricted organisms, i.e. honeybee brood in the cone,
10 bees be germ plasm from regions that don't meet the
11 criteria for importation under subpart "B." The changes
12 would -- we would allow restricted organisms to be
13 imported only for research or experimental purposes by
14 federal, state and university researchers, and only
15 under permit, and only in accordance with strict
16 packaging, handling, inspection and post-entry
17 requirements. The change here is that under the current
18 regulations, only the USDA is allowed to import
19 honeybees for research. This would extend that out to
20 state and local authorities, and also university
21 researchers. Subpart "D" would cover shipments of
22 restricted organisms transited the United States en
23 route to other destinations. And the change here is
24 that it would prohibit the transloading of restricted
25 organisms at any port in Hawaii. Subpart "E" would

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1 cover importation and transit of restricted articles,
2 i.e. dead bees, the superfamily apoidia. This has been
3 an overlooked aspect of the regulations. Basically, any
4 bee within the superfamily apoidia currently requires a
5 permit to be brought into the United States, even if
6 it's a dead pendance inspect specimen prepared for
7 scientific purposes. This subpart "E" would also cover
8 the importation of beeswax for beekeeping unless it has
9 been liquefied, and honey for bee feed. The change
10 would be that APHIS would require a ten-day notice of
11 arrival for importation and transit of a restricted
12 article. As Richard has already mentioned, here's the
13 location to submit your comments, although most of you,
14 I presume, are making comments here today, and that will
15 be entered into the record. If you have additional
16 follow-up questions, they can certainly be submitted to
17 us in writing or via email, also at the address that can
18 barely be read there: regulations@aphis.usda.gov.
19 Those that are submitted by November 18 will be
20 considered. That's all I have. Thank you.

21 MR. KELLY: Thank you, Wayne. I know some of
22 you may have questions suggested by Wayne's
23 presentations. I'm going to ask you to hold off of
24 that. You can either raise them during the course of
25 your own presentation or after the presentations we will

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1 put Wayne on the spot for a little bit to answer any
2 questions that haven't been answered throughout the
3 course of the morning. I'm going to start off with the
4 registered speakers now. Let me just give you an idea
5 of the order that you're coming up here. The order
6 represents the order in which you either pre-registered
7 or signed up there this morning. And if anybody wants
8 to make a swap with somebody else, for whatever reason,
9 that's okay with me. Just let us know. The first
10 speaker will be Misha Sperka of the Hawaii Beekeepers'
11 Association. The second speaker will be Dr. Helen Beban
12 of the New Zealand Ministry of Agriculture and Forestry.
13 And the third speaker will be Garnett Puett of Captain
14 Cook Honey. We've got about five more speakers beyond
15 those, but I'll just give you the first three so that
16 you can your thoughts organized. Misha, would you care
17 to come up and start?

18 MS. SPERKA: Good morning. I'm Misha Sperka
19 of the Hawaii Beekeepers' Association, and also with Old
20 Hawaiian Coffee Company here in Hawaii. And what I have
21 here is a memorandum that's written by the Hawaii
22 Beekeepers' Association, which is to inform you that the
23 Board of Directors and members of the Hawaii Beekeepers'
24 Association unanimously oppose the proposed rule that
25 permit any importation of live honeybees into the State

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1 of Hawaii from Australia, New Zealand, Canada, or
2 anywhere else, in violation of the existing state laws.
3 The Hawaiian Islands are a fragile island ecosystem,
4 whose original biota is already much distressed by the
5 introduction of more than 5,000 known macrofloral and
6 macrofaunal taxa and a very large, but unknown, number
7 of microorganisms. These introductions have directly
8 resulted in the highest rates of extinction and
9 endangerment on the planet Earth. Not one introduced
10 species has ever been eradicated despite the expenditure
11 of huge amounts of time and money, and no one extinct
12 plant or animal has been resurrected. Our islands are
13 the victims of purposefully and accidentally introduced
14 pests, of pathogen pollution, and disease agent
15 spillover that have silently destroyed more species of
16 endemic avian, molluscan and plant species than now
17 exist. This has resulted in an unreversible
18 impoverishment of the biodiversity of these islands.
19 The unintended and unforeseeable consequences of
20 allowing, for the first time in modern history, the open
21 and uncontrolled introduction into Hawaii of *Apis*
22 *mellifera* from anywhere else on earth could include the
23 introduction of microbiological pathogens that could
24 spill over and impact the 22 species of nature -- of
25 native bees or any of the hundreds of other endemic

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1 hymenopteran or dipteran species that are present here.
2 The loss of these insects could result in impaired
3 pollination of some of our extremely endangered Hawaiian
4 plants, and there could be a cascade of other,
5 undirectional, permanent, ecological events. Aside from
6 our threatened endemic flora and fauna, we believe that
7 the very large number of wild, approximately more than
8 one million, and managed, approximately 1,000 *Apis*
9 *mellifera* colonies that exist in Hawaii constitute a
10 biodiversity resource of global importance. These
11 assets must not be squandered simply because a few
12 nations, whose biological assets are already severely
13 compromised, wish to realize a very economic gain, a
14 very small economic gain. It is already well known that
15 once the mite, *Varroa destructor*, becomes established in
16 an ecosystem, that virtually all feral honeybee colonies
17 die out within a few years. It has been reported that
18 more than 90 percent of unmanaged honeybee colonies in
19 the affected areas of North America have already
20 disappeared. We believe that Hawaii's feral honeybees
21 are a source of genomic materials that mankind may well
22 come to depend upon in the future to select stock for as
23 yet unknown adaptive characters such as disease
24 resistance, climatic adaptiveness, hygienic behavior and
25 productivity. This heritage is the future and must be

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1 fully protected. And that's the comment from Hawaii
2 Beekeepers' Association, and here's a copy for you.

3 MR. KELLY: Thank you very much, Mr. Sperka.
4 Could you please spell your name for us, please, for the
5 record?

6 MR. SPERKA: Misha, M-i-s-h-a. The last name
7 is Sperka, S-p-e-r-k-a.

8 MR. KELLY: Thank you. I would also encourage
9 that each of your membership submit comments
10 individually, if possible.

11 MR. SPERKA: Okay. Thank you very much.

12 MR. KELLY: Thank you. Our next speaker will
13 be Dr. Helen Beban of New Zealand Ministry of
14 Agriculture and Forestry. And I believe she has some
15 Power Point slides to set up, which may take a moment.
16 [pause] I think we're in business. If you could start,
17 once again, by spelling your name for the Court
18 Reporter, then we'd appreciate it.

19 DR. BEBAN: Sure. My name is Helen Beban,
20 H-e-l-e-n B-e-b-a-n. I'm a National Advisor in the
21 International Animal Trade Team in Ngaherehere, whose --
22 oh, sorry. Did you get that at all? I'm Helen Beban,
23 H-e-l-e-n B-e-b-a-n. I'm a National Advisor in the
24 International Animal Trade Team in Ngaherehere, New
25 Zealand. First of all, thank you for the opportunity

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1 for New Zealand Ministry of Ag to come here today to
2 give their comments on the USDA proposed rule. Really,
3 our two countries of Hawaii and New Zealand are very
4 similar. We're also an island nation with very severe
5 problems as far as are endemic species concerned. In
6 New Zealand, we only one native species, a mammal, which
7 is a bat. All of our other endemic species mostly are
8 birds. And many of these are ground-walking birds.
9 They don't need to fly because there are no predators.
10 And as you can imagine, the impact of introduced species
11 has been very, very severe in our nation, as it was
12 here. We certainly empathize with you. To make it
13 clear, New Zealand does not wish to import bees into
14 Hawaii. That has not ever been our -- that is not our
15 intention. And it certainly, we do not see that there
16 is a market here for our honeybees. What we wish to do
17 is to import into the Continental U.S. But we would --
18 it is better I would explain we would like to transit
19 through Hawaii. For background, as Wayne has already
20 told us, in 1978, New Zealand first made a request for
21 access of our honeybees to the United States.
22 Discussions on technical issues took place, cooperative
23 research and exchange visits by scientists from the USDA
24 and MAF. These took place during the 1980's. And this
25 process culminated in the USDA publishing a draft rule

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1 in February, 1990, proposing to allow full access for
2 New Zealand honeybees and honeybee semen into the United
3 States. That was not published into a final rule.
4 Given the 25-year history of this issue, MAF was
5 delighted when in August, 2002, a new draft rule was
6 published. And we trust that the comment, public
7 hearings and final rule process will proceed without
8 further interruption.

9 MR. KELLY: Maybe we can hear the projector,
10 itself.

11 DR. BEBAN: Oh. MAF and the USDA have
12 invested considerable resource into this issue over the
13 long history. We believe the ability of Continental
14 U.S.A. beekeepers to access New Zealand honeybees and
15 germplasm will be of benefit to both countries. We
16 committed to doing all we can to facilitate the
17 development of this trade. The proposed trade in
18 honeybees to Continental United States is an example of
19 mutually beneficial trade. This occurs due to the
20 impact of seasonality in the northern hemisphere and
21 southern hemisphere, as the autumn surplus bees in the
22 southern hemisphere overlaps with the spring shortage of
23 bees in the northern hemisphere. This benefit has been
24 demonstrated in the trade of New Zealand honeybees to
25 Canada, which has benefited the beekeeping industries in

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1 both countries, and increased the number of pollination
2 colonies available in Canada. Demand in the Continental
3 United States for queen bees in early spring, March and
4 April, typically outstrips supply, and it is not
5 uncommon for beekeepers to be unable to obtain bees and
6 queens when they are wanted. Even taking into account
7 the availability of queens from Hawaii, whose tropical
8 location enables year-round queen production.
9 Requeening and establishing new colonies early in the
10 season enables beekeepers to maximize their production.
11 The increasing demand from the almond industry in
12 California for pollinated colonies has increased the
13 pressure on early queen supplies from commercial
14 pollinators. In the southern hemisphere, March to April
15 is our fall. And at this time beekeepers have surplus -
16 - have bees surplus to winter carry-over requirements
17 and conditions are suitable for queen bee production.
18 MAF believes there is likely to be demand for New
19 Zealand bees from Continental U. S. beekeepers in early
20 spring. The availability of additional queens and
21 package bees at this time will be a benefit to
22 Continental U. S. beekeepers and pollination recipients
23 such as I've said, the California almond producers. It
24 is likely that this window of opportunity will be
25 narrowed, we believe, approximately one month. After

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1 this time beekeepers in the warmer southern states will
2 be able to supply the demand. In summary, New Zealand
3 producers have the ability to supply queens and packages
4 at a time when existing suppliers may be unable to meet
5 this demand. The widespread loss of colonies caused by
6 Varroa is likely to have had negative consequences for
7 the genetic diversity of honeybee stocks in the United
8 States. Since honeybee colonies have much reduced
9 survival rates in the presence of Varroa without human
10 intervention, the background reservoir of diverse
11 genetic material in the form of feral honeybee colonies
12 is likely to have been seriously depleted, as a former
13 speaker mentioned to us. In the absence of a diverse
14 gene pool, inbreeding problems such as queen supersedure
15 and poor brood viability are likely to occur, adversely
16 affecting honey production and paid pollinator
17 activities. The ability to introduce new genetic stock
18 from a source that poses no hazards for Continental
19 United States beekeeping industry is, therefore, a
20 significant benefit to the U. S. beekeepers and
21 horticulturists. The New Zealand export beekeeping
22 industry is very small, and beekeeping industry overall
23 is very small in comparison to the United States. I've
24 given you their figures as of 12th of September, 2002.
25 As there is less climatic variation between the

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1 different regions of New Zealand than the U. S., there
2 is negligible usage of package bees by domestic
3 beekeepers. Queen production is focused on the domestic
4 market and small-scale exports to a number of countries.
5 Total annual live bee exports in 2001 were 12,631 x1kg
6 packages and 14,287 queen bees. Approximately half of
7 these went to Canada. There are only two regular queen
8 and package bee exporters in New Zealand. Although
9 access for New Zealand bees to Continental United States
10 will, we believe, have a positive effect for the U. S.
11 beekeepers who may otherwise be unable to obtain queen
12 bees and packages at their preferred time, and will be a
13 significant boost to the New Zealand queen and package
14 exporters, the low volume of imports will have a
15 negligible effect on the honeybee industry in Hawaii or
16 in the Southern United States. All apiaries in New
17 Zealand must be registered with MAF. The Biosecurity
18 Act 1993 has provisions for the control and/or
19 eradication of unwanted organisms. A Pest Management
20 Strategy for American foulbrood is mandated under this
21 Act. AFB was detected in only .48 percent of total
22 hives in 2002. The feeding of antibiotics for American
23 foulbrood is prohibited. European foulbrood
24 (*Melissococcus pluton*) has not been found in New
25 Zealand. The tracheal mite is also not in New Zealand.

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1 The Animal Products Act 1999 provides for export
2 certification. Part of this legislation provides an
3 Official Assurances Program for export of live animals
4 and germplasm. Export of queen bees and packages occurs
5 under the provisions of this Official Assurances
6 Program. The final export certification must be an
7 official MAF veterinarian. The initial inspection will
8 be by trained inspectors. I have got a copy of the
9 training manual, if anyone is interested in seeing that.
10 The inspectors are trained in the requirements of the
11 AFB Pest Management Strategy, and also trained to
12 inspect hives for exotic disease, to take samples for
13 disease surveillance, methods of cleaning, disinfection
14 and disinfestation of apiculture equipment and to assist
15 MAF staff in exotic disease control. This training
16 involves written manuals, examination system and audits.
17 I don't know if you can see that very well, but the
18 surveillance in New Zealand is three levels. We've got
19 the American Foulbrood Program, which I told you about.
20 There's the control for Varroa mite, which is the North
21 Island. It's in the North and South Island, separated
22 by Cook Strait. Varroa, at this stage, is controlled to
23 the upper part of the North Island, but it is probably a
24 matter of time before it spreads throughout the North
25 Island. The control has been relatively effective at

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1 this stage, and what, in time, it is hoped that we will
2 stop Varroa from going from the North Island to the
3 South Island. The -- what I have showed you here is the
4 exotic base of islands. There are 400 iris sites, which
5 -- and there are 148 bee control sites. Export
6 consignments, there are 500 export consignments are
7 checked each year. There are also supplier audits. And
8 any exotic disease is, of course, picked up. The
9 asterisk means -- two asterisks means that the testing
10 is done by the miticide/sticky board method, and the
11 three asterisks means that this is by a composite
12 washing method. New Zealand's official assurances
13 program and the surveillance system on which it is based
14 is built on integrity and transparency. USDA officials
15 and Hawaiian Department of Agriculture officials and
16 Hawaiian Beekeeper representatives have visited New
17 Zealand and had the opportunity to assist the New
18 Zealand system of surveillance and export certification
19 for honey bees. This table gives you -- once again, it
20 may be hard for you to see, our export statistics there.
21 Approximately half of the packages go to Canada. And
22 you can see from the table the increasing importance of
23 the Asian market in queen bees. I'd like now to give
24 some specific comments on the proposed rule. Section
25 322.5(a) would require honeybees, honeybee germplasm and

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1 bees other than honeybees imported from approved regions
2 to be shipped directly from approved regions to the
3 United States. New Zealand requests the facility for
4 transit at approved airports. Due to the distance from
5 New Zealand to Continental U.S., the restrictions of
6 freight space, the desire to ship honeybees with the
7 least stress and the desire to provide premium quality
8 honeybees to the United States market, New Zealand
9 requests provision for transit, including the ability to
10 transload onto another aircraft under agreed conditions.
11 New Zealand provides quality systems for transit through
12 Honolulu, through Korea for export to Canada. I've got
13 copies of the quality systems, if anyone would like to
14 see those. The conditions in these quality systems are
15 agreed with the transit countries and the importing
16 country. These systems have been successful and are a
17 testament to the integrity of MAF and the trust such
18 integrity engenders. MAF requests similar conditions to
19 be negotiated for export of New Zealand bees to the
20 United States. Under Section 322.6, paragraph 3,
21 "The export certificate would also have to certify that
22 the bees (and the germplasm) in the shipment were
23 produced in the exporting region and are offspring of
24 queens and drones or semen also produced in the
25 exporting region." MAF requests that this condition

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1 applies to first generation bees only. MAF does not
2 currently allow importation of adult honeybees for
3 germplasm into New Zealand; however, this may change and
4 MAF requests the ability to export offspring or
5 germplasm from such importations provided by a second
6 generation or more. MAF believes this would satisfy any
7 concerns the USDA has re equivalent health status to New
8 Zealand born bees. There is currently high level of
9 interest among New Zealand beekeepers in importing
10 genetic material from the USDA breeding programs for
11 Varroa tolerance. MAF is pleased that the conditions in
12 this part, proposed Subpart "B," transit of restricted
13 organisms through the United States, are based on the
14 current transit requirements through Hawaii for
15 honeybees from New Zealand. This is testimony to the
16 integrity of the biosecurity applied by MAF to
17 facilitate market access. In the proposed rule, New
18 Zealand bees are regarded as restricted organisms in
19 Hawaii, as opposed to approved organisms in Continental
20 U.S.A. The conditions under which New Zealand bees can
21 transit Hawaii are the same as for New Zealand bees
22 actually entering Hawaii. And, as I said, we are not
23 requesting access of our honeybees to Hawaii. The
24 actual part of the rule says, "We would prohibit the
25 transloading of restricted organisms at any port in

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1 Hawaii; in Hawaii, the restricted organisms would have
2 to remain on and depart for another destination from the
3 same aircraft on which the shipment arrived at the
4 Hawaiian port." MAF acknowledges the special status of
5 Hawaii in respect to the absence of Varroa. We
6 respectfully request that consideration be given to the
7 continuation of the current transit requirements for New
8 Zealand honeybees transshipped through Honolulu through
9 Canada, which allows transloading under strict
10 conditions. We suggest that in addition to the current
11 conditions, the following are added to add further
12 assurances of protection. That the shipments must
13 transit Hawaii at night, when the honeybees are less
14 active. This is for the honeybees and the packages and
15 also, of course, for the honeybees that would not be
16 active at that time in coming to the airport. At the
17 moment, that is desired, but not mandatory. And all
18 shipments must contain the Apistan strips. This is a
19 requirement, a current requirement. Page 53858 or the
20 proposed rule requests information of potential import
21 volumes. The likely volume of any live bee exports to
22 the Continental U. S. is difficult to estimate, as it
23 would depend on the demand for New Zealand bees from U.
24 S. beekeepers and the available supply from New Zealand
25 live bee exporters. However, some estimates can be made

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1 from industry statistics and existing export volumes to
2 other markets. New Zealand apiarists in the northern
3 regions of the North Island of New Zealand have suffered
4 considerable losses from the affects of the Varroa
5 infestation in a similar manner to the Continental U. S.
6 Beekeepers in the late 1980's. Queen breeders are
7 experiencing increased demand for queens and live bees
8 as beekeepers replace losses and adjust to the more
9 intensive hive management required under Varroa. This
10 is likely to limit the ability of the industry to
11 produce surplus queens and package bees in the short to
12 medium term. The major market to the United States is
13 predicted to be queen bees. This trade is likely to be
14 smaller than the Canadian trade, as the existence of a
15 large domestic queen and package been industry and a
16 more favorable climate for bee production in the
17 Southern United States leads to a smaller window of
18 opportunity. MAF predicts the volume of trade in queen
19 bees in the near future to the United States will be
20 somewhere in the order of 2,000 to 4,000 queens per
21 year, and that the trade in package bees is not expected
22 to exceed 3,000 per year. Page 53858 in the proposed
23 rule states, "The fees that the Australian, New Zealand
24 and Canadian governments charge their bee producers for
25 the certificates are small to help allow the honeybee

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1 export prices to be competitive with foreign prices. We
2 request information on potential costs associated with
3 issuing health certificates for bees. The New Zealand
4 government does not subsidize honeybee exporters in any
5 way. The International Animal Trade Section of MAF by
6 security is responsible for export certification of
7 honeybees and honeybee germplasm. This section foresees
8 no government funding for export activities. All such
9 costs are recovered from the exporters. I've given you
10 the breakdown of the charges. The New Zealand Islands
11 105 plus goods and services tax equates to around 50 U.
12 S. dollars. But the export certification, two
13 certificates are required for export to Canada. One is
14 for the transshipping and the other is for entry into
15 Canada. So, in summary MAF agrees with the conclusions
16 of the risk analysis, that the importers of adult
17 honeybees and honeybee germplasm from New Zealand will
18 present inimitable risk of introducing exotic bee
19 diseases or pests or undesirable species or subspecies
20 of honeybees into the United States. MAF believes
21 allowing New Zealand Beekeep -- U. S. beekeepers to
22 access New Zealand honeybees and germplasm will be of
23 benefit to both countries. Thank you.

24 MR. KELLY: Thank you very much for your
25 comments. The next speaker will be Garnett Puett of

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1 Captain Cook Honey.

2 MR. PUETT: Okay, I'm Garnett Puett. My name
3 is spelled G-a-r-n-e-t-t, Puett, P-u-e-t-t. And I'm
4 here for Captain Cook Honey. I'm the President of
5 Captain Cook Honey. I've been keeping bees in Hawaii
6 for approximately 30 years. We are the largest honey
7 producer in the state, and the largest certified organic
8 producer in the country, U. S. Our operation is disease
9 free as well as mite free, relatively. No mites, some
10 American foulbrood. This is one of the only places on
11 earth that can say this, and we'd like to protect that.
12 If we open up trade to the U. S., eventually, it will
13 come here. It is also the best place in the world to
14 breed and to select the healthiest strains of bees that
15 I know of. It would be simply unsafe to allow any bees
16 from anywhere into Hawaii at this time. Once they're on
17 the mainland, they will eventually get here. As shown
18 on the Mainland, mite-free certificates, sometimes, many
19 times, mean nothing. There is no way to catch every
20 contaminated hive. My family lost 4,000 hives that were
21 stacked and fumigated in the early 80's, and all that
22 did was kill the bees. The mites were everywhere. And
23 I am dependent on organic certification at this time
24 because of the economic period we're facing, even though
25 this has changed because of a rule that came down

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1 yesterday and changed all that for everybody. This
2 means that I cannot use any chemicals at all, feeds,
3 Nekstrand [ph], Humidel [ph], any kind of mite chemicals
4 on my bees at all during any part of the year. That's
5 not allowed by the rule. We have selectively developed
6 strong disease resistant bees that is a great honey
7 producer, and we can't afford to allow foreign bees to
8 weaken this in any way. One mite is enough to wipe out
9 all the bees here, in my opinion. We have, in Hawaii,
10 have seen hundreds of foreign species come in that
11 destroy many different parts of the ecosystems. It's
12 got to stop somewhere. At this time, in my professional
13 opinion, and I'm a fourth generation beekeeper, and the
14 largest beekeeper in the Hawaii, the U. S. cannot,
15 should not allow anyone, at least at this point, to
16 destroy some of the cleanest breeding grounds in the
17 world for bees. And that's basically what I want to
18 comment.

19 MR. KELLY: Thank you very much. And okay,
20 our next speakers, in order, will be Gus Rouse, followed
21 by Pam Brashear, followed by Michael Krones. After
22 that, we will have two more speakers. Larry Nakahara
23 and Frederic Colombo. Anyway, Gus Rouse, would you care
24 to come up?

25 MR. ROUSE: Okay. All right, my name is Gus
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1 Rouse. G-u-s R-o-u-s-e. I -- I'm owner/operator of
2 Kona Queen Hawaii. We specifically breed queens for
3 world-wide market. I guess I'll do like everyone else
4 and read my statement. As a beekeeper since 1974, a
5 person involved in national beekeeping organizations and
6 long involved with international issues surrounding
7 bees, I felt compelled to make this comment and be at
8 this Hearing and, actually, by mail as well. The NAFTA
9 Agreement and the GATT Agreement -- you don't mind if I
10 -- contain provisions. These agreements contain
11 provisions establishing the rights and the obligations
12 of signatory countries concerning the sanitary and
13 phytosanitary regulations. These measures are generally
14 defined as governmental measures intended to protect
15 human, animal plant life and health. We are told the
16 NAFTA and The World Trade Organization, WTO, apply these
17 provisions based on scientific evidence. We must know
18 that these rules were made to protect the importing
19 countries, as the exporter shares no risk. The WTO
20 agrees -- or excuse me, the WTO Agreement requires a
21 risk assessment to evaluate the likelihood of injury and
22 spread of pests or disease into an importing country.
23 The WTO Agreement further provides that countries may
24 deviate from international standards, guidelines and
25 recommendations if their risk assessment demonstrates

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1 that additional measures are necessary to provide
2 protection against pest introduction. This being stated
3 from the "Federal Register," I would like to raise the
4 following points regarding importing bees from
5 Australia, Canada and New Zealand. Am I too loud, or is
6 that okay? First and foremost, all the bees shipped
7 from New Zealand to Canada were certified Varroa mite
8 free before the mite was detected. As one gentleman
9 stated here earlier, the reality versus the -- what the
10 certification process allows can cause problems. When
11 the hives were inspected more closely, it was found that
12 the infestation had been widespread and established
13 during previous inspections. One can see that the
14 actual success versus the perceived success of
15 certifications such as these is a problem. Simply look
16 to the diseases and the parasites introduced to the
17 United States during the last 20 years while the borders
18 were closed. Paragraph 322.2 explains that the
19 regulations are designed to prevent the introduction of
20 bee diseases and parasites into the U. S. The proposal
21 offers -- well, I felt the proposal offered little
22 protection for Hawaii. In fact, it proposed -- it
23 proposes imports that would be in direct violation of
24 the rules and intent stated above. The lady from MAF
25 said that they have no intention of importing bees into

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1 the state, even though that wasn't my -- that wasn't my
2 understanding when I read the proposed rule change.
3 Hawaii is still able to produce queens, bees, honey and
4 wax that have not been subjected to mites and miticides.
5 I feel it definitely be a risk if the WTO rules state
6 that countries can deviate from the regulations to
7 protect themselves, then this would be a good time to do
8 it. Hawaii should remain closed to all live bee
9 imports, period. If APHIS prohibits intrastate movement
10 of bees to Hawaii, they should surely prohibit
11 international movement of bees to Hawaii. The risk
12 assessment somehow overlooked the main focal point of
13 the likelihood of introduction of diseases and pests.
14 It is not likely, it's assured. The recommended
15 procedure for inspections cannot be followed and will
16 not work. This calls for individually inspected hives
17 by an official of the regulatory agency no more than ten
18 days prior to export. The export certificate would
19 identify all diseases, parasites and species of
20 honeybees found in the hive during the pre-export
21 inspection. With all diseases and pests listed on the
22 export certificate, the importing country would refuse
23 any shipment if unacceptable pests were listed. This is
24 how I read the statement. Does this document propose
25 that a shipper would send thousands of dollars of

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1 product around the world knowing that before it leaves
2 its home port that the shipment will remain refused?
3 And I think had -- maybe it would help you understand
4 what I said. If you're going to list all the pests on
5 your certificate, you wouldn't ship them in the first
6 place. It seems like a flawed rule here. Is it
7 possible during the shipping season that there will be
8 sufficient numbers of inspectors to: 1) individually
9 inspect the hives of all shippers within ten days of
10 shipment, inspect shipment on the day of shipment,
11 certify that all the bees in the shipment come from the
12 hives within a 31-mile zone free of tracheal and Varroa
13 mites? Are African bees certified that shipment was
14 derived exclusively from an apiary situated in the
15 center of the zone, and 3.1 miles in which no case of
16 tracheal mite has been reported for at least eight
17 months? It's not likely. It's not likely that these
18 things, in reality, could happen. If this is all to
19 take place constantly within ten-day periods during the
20 shipping season? No one who has ever been in the
21 commercial bee business or ever been involved with
22 government inspections, can, in reality, see this
23 happening. Furthermore, bee inspections, on a given
24 day, are not a reliable indicator of the diseases that
25 may harbor in a hive or in a country. A hive that shows

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1 no American foulbrood -- excuse me. A hive that shows
2 American foulbrood may not have shown it ten days prior.
3 Varroa mites are usually in the hive three years before
4 detection. The end result, in my opinion, would be more
5 new introductions into the United States and Hawaii.
6 These inspections will not be made on time. Mistakes
7 will happen, and our risk assessment goes down the
8 drain. The State of Hawaii did extensive inspections
9 over a decade and found none of the pests documented.
10 When the USDA deemed that these inspections did not
11 provide enough scientific evidence, our state spent two
12 more years to provide APHIS with scientific data it
13 needed to protect our borders. I think this proposal
14 illegally ignores this information. The proposal has
15 been on the table before. Comments were taken and many
16 were disqualified because they were based on monetary
17 gains or losses. I believe the entire rule change is
18 based on monetary gains, that of those for the
19 exporters. This is not driven by demand, but it is
20 driven by the New Zealand and Australian government and
21 their constant pressure to increase the exports of all
22 kinds. There is a demand by commercial beekeepers in
23 Australia for queens from Hawaii. Australia's
24 government's response to inquiries regarding this issue
25 is a false policy stating that their borders are already

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1 open. And this simply is not true. They are not open.
2 In a similar, one-sided trading, New Zealand's
3 representative for the Minister of Agriculture, who
4 wasn't Helen, but there was a gentleman several years
5 ago in Honolulu, was asked about Hawaiian queens being
6 shipped to his country. He simply stated his beekeepers
7 would not allow it. End of the discussion. I feel that
8 before APHIS or the WTO move ahead with any proposal
9 such as this, a system for Hawaii exporting bees to both
10 Australia and New Zealand should be looked at. The
11 current proposal calls for importation of bees from
12 Australia, New Zealand and Canada. It states that there
13 are not sufficient quantities of queens, as Helen said.
14 There are not sufficient quantities of queens and bees
15 available in the early spring to replenish winter losses
16 for spring pollination. I don't think this is true
17 either. Many queen breeders have had unsold inventory
18 in the spring due to low hive counts caused by mites and
19 low honey prices. U. S. hive counts are said to have
20 decreased by nearly a million in the last ten years as a
21 result of the Varroa mites and other pests. U. S.
22 beekeepers will tell you that this downward trend is
23 also propelled by the price of honey being at 1975
24 levels. Hive counts are down because beekeepers have
25 been forced out of business. Because of anti-dumping

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1 measures and recent contaminated honey from China being
2 rejected. honey prices have doubled, and in some cases
3 tripled. Hive numbers will bounce back as long as these
4 honey prices stay above the break-even scenario. This
5 proposal also calls for the ban of honeybee germplasm
6 and bee products to Hawaii. The importation of live
7 bees, I do feel must be prohibited, but the importation
8 of semen for stock improvement is very necessary. As
9 disease resistant traits are discovered or developed,
10 this is our vehicle for including these traits in the
11 bees produced in Hawaii. It's a rare thing to be able to
12 breed bees resistant to diseases in an area where they
13 do not exist, but it is possible, and we are doing that.
14 Also, the tropics are known for pollen shortages, so I'd
15 like to see the doors left open for certified pollen
16 being imported to the U. S. as supplemental bee feed.
17 Excuse me, being imported into Hawaii. Stricter rules
18 should already be in place for the transshipments and
19 I'm glad to see what the rule proposes for transshipment
20 through Hawaii. I feel the presence of Varroa in New
21 Zealand puts this state in as New Zealand was just a few
22 years ago, and Australia still is, Hawaii, we're just
23 some of the last remaining places without this dreaded
24 parasite. And I feel that these transshipments
25 definitely cause risk. These disease and pest

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1 introductions cannot be reversed. If the signatory
2 countries want this type of non-market driven trade to
3 take place, then I believe all signatory countries must
4 risk the imports. The 14.6 billion dollar benefit that
5 U. S. bees provide to agriculture should be protected.
6 This rule changes is more likely to negatively affect
7 than protect it. Finally, these proposed new rule
8 changes can clear the way for many more countries. As
9 you stated, there are some others lined up and many more
10 diseases. The proposed -- proposal suggest that the U.
11 S., already riddled with pests and disease introductions
12 while its borders were closed, will benefit by opening
13 them. This proposal suggests that inspections and
14 certifications that have failed in the past will work
15 this time. I ask APHIS to put the protection of human,
16 animal and plant life, as directed by law, above the
17 pressures of international trade. That's the main part
18 of my testimony. And am I allowed to comment a little
19 further than what I submitted, being I've gathered a
20 little more information? I just also wanted to make a
21 few comments and please -- please don't take any of
22 these personally. I've never tried to get in the way of
23 New Zealand, Australia, anybody. I've never tried to
24 get in or prohibit or hinder the business of my fellow
25 beekeepers in the Southern Hemisphere, but these

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1 proposals and New Zealand and Australia, constant push
2 to enter the U. S. market, has caused me quite some
3 concern. One of the things is that what's been
4 discovered, and I guess by their own scientists, is that
5 in New Zealand we have what we call the Varroa
6 Destructor. I believe, isn't this a different strain
7 than the U. S. strain?

8 UNIDENTIFIED SPEAKER: No, it's the same as
9 the U. S. strain.

10 MR. ROUSE: Same as the U. S. strain. Okay.
11 Well, you clarified that. I'm reading in the "New
12 Zealand Journal" that a chalkbrood, by Dr. Anderson, who
13 I believe maybe is from Australia, but he suggested that
14 the maybe thing had -- they had developed -- well, let
15 me back up a little bit. In the risk report, they say
16 they have chalkbrood, we have chalkbrood. In their own
17 publications they have, they say we have chalkbrood and
18 we're fearful that we're developing a more virulent
19 strain of chalkbrood. So this would be a problem. And
20 the same with half-moon disease. It's a problem, from
21 what I've read recently, possibly a queen problem, not a
22 bacterial problem. Some of these things, like when the
23 tracheal mites were in Mexico, Dr. Baily from England
24 said that this is not a problem. Don't even worry about
25 them. Not a problem. Well, we now know that tracheal

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1 mite can go more northern climates, became a very
2 serious problem. So I think there are other things.
3 There are the Mellitifous [ph] mites, some things that I
4 don't know too much about, but I understand that they
5 would warrant some further examination. I guess the
6 thrust of my comment here is that the certification
7 process, as proposed, seems to have plenty of rules in
8 it, and I think there are some very weak points in any
9 certification process, and I think the most perfect
10 example is the fact of the -- of the April 11, 2000
11 Varroa discovery because the integrity of those
12 inspections, as we were told, I believe there may be
13 probably 8,000 hives that no one had been aware of, or
14 no one had inspected. And anyway, I will end my
15 comments there. Thank you for your time.

16 MR. KELLY: Thank you very much for your
17 comments, Mr. Rouse. Our next speaker will be Pam
18 Brashear.

19 MS. BRASHEAR: Thank you. Good morning. My
20 name is Pam Brashear. I'm representing myself and my
21 husband, owners of Big Island Queens.

22 MR. KELLY: Would you mind spelling your last
23 name, please?

24 MS. BRASHEAR: B-r-a-s-h-e-a-r. My husband,
25 Randle Brashear, and I are the founders and proprietors

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1 of Big Island Queens, a honeybee queen rearing business
2 in operation here since 1992. We believe that parasitic
3 mites will be introduced to Hawaiian honeybee
4 populations as a direct result of the proposed rule
5 changes, Docket 98-109-1, "Bees and Related Articles
6 Proposed Rules," devastating Hawaii's beekeeping
7 industry and destroying forever a uniquely valuable
8 asset to world beekeeping. Hawaiian queen rearing
9 operations are providing healthy stock to America and
10 the world because our bees' reproductive capabilities
11 are not damaged by parasitic mites or miticides, and due
12 to our favorable year-round conditions for queen
13 rearing. That uniquely beneficial situation will
14 certainly be lost sooner or later if these rule changes
15 are adopted. Given the known history of accidental
16 introductions of alien species in Hawaii, and the nature
17 of these proposed rule changes, introduction of
18 parasitic mites will become highly probable. We are
19 already in danger of introduction occurring as a result
20 of the transshipments now being allowed and exempted
21 from existing rules. Please note that State of Hawaii
22 apiary inspectors have searched for the presence of
23 acarine and Varroa mites every year consecutively sine
24 1993. Our state apiary inspector, Dr. Thomas Culliney,
25 recently finished and submitted to APHIS a particularly

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1 exhaustive series of inspections in response to the
2 probability of mite introduction as a result of these
3 rule changes. A long term parasitic mite infestation
4 has been found on honeybees in New Zealand. The USDA
5 states that interstate shipments of live bees to Hawaii
6 should remain prohibited. By what logic, then, should
7 international shipments of bees from locations known to
8 harbor mites be allowed in Hawaii? Why will New
9 Zealand's government representatives not even consider
10 the possibilities of exportations of bees from Hawaii to
11 New Zealand? Yet they ask us to allow importation of
12 honeybees from their country, which harbors known Varroa
13 infestations through our islands, which have been proven
14 free of mites. The proposed rule changes contain a
15 proposal to ban honeybee germplasm coming into Hawaii,
16 along with interstate shipment of live bees. Live bees
17 should not be imported into Hawaii from anywhere, but
18 germplasm is not a mite introduction risk. The Hawaiian
19 honeybee queen rearing industry has been importing
20 germplasm for many years without harm. We are using
21 this tool to produce resistant stock from survivor gene
22 pools on the mainland, further enhancing Hawaii's unique
23 contribution to commercial beekeeping around the world.
24 If that tool is now denied us, then years of work on
25 breeding programs and research will be wasted, all to

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1 the detriment of the world's beekeeping industry. The
2 United States of America has obvious legitimate and
3 compelling reasons not to adopt these rule changes. We
4 urge you not to adopt the rule changes. If the rule
5 changes should be adopted, then who will be willing to
6 accept responsibility for the results of the
7 introduction of parasitic mites to Hawaii and the
8 ensuing destruction resulting from that introduction.
9 Thank you.

10 MR. KELLY: Thank you for coming today and
11 sharing your comments with us. Our next speaker will be
12 Michael Krones of Hawaiian Bee Company.

13 MR. KRONES: Good morning. Good morning to
14 everybody. My name is -- actually, it's spelled
15 Michael, last name Krones, K-r-o-n-e-s. As a member of
16 the beekeeping community in Hawaii, I'm asking APHIS-
17 USDA, the scientific community and environmental leaders
18 involved in this proposal to not allow any live bees
19 into the State of Hawaii. I ask that you respect the
20 1985 established ban of all importations of live bees
21 and foreign introduced species into Hawaii. Allowing
22 the importation or transshipments into our through
23 Hawaii of foreign bees with the potential for carrying
24 parasites like the Varroa mite and tracheal mite would
25 terminate the disease-free status that we enjoy. Hawaii

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1 is presently the only state in the U.S. of A. that is
2 disease free, and, therefore, the only state that
3 produces certified organic honey. If we are invaded by
4 the Varroa mite, the use of miticides will mean the end
5 of American organic honey. Opening the door to the
6 importation of live bees into Hawaii would also truncate
7 the ongoing research and genetic improvements with
8 disease-resistant traits presently being carried out
9 within our local bee populations by established and
10 world-renowned queen breeders. These genetic
11 improvements with selected germplasm resistant to these
12 above mentioned pests will allow the bee industry in the
13 Continental U. S. to reduce the chemical dependence
14 presently needed to control the Varroa and tracheal
15 mites. One of these traits is the suppressed mite
16 reproduction, SMR, which is of paramount importance in
17 controlling Varroa. Opening Hawaii's borders could also
18 open the door to the unintentional introduction of the
19 Africanized honeybee. The Africanized bee would
20 flourish in our tropical environment and easily spread
21 to all the islands, having a disastrous collateral
22 impact on our tourist industry. The AHB already exists
23 in the Continental U. S. Eradication efforts have
24 failed. It has been proven that once this pest is
25 established it is impossible to eradicate. And accounts

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1 of the tale that Argentina, who has the Africanized bee,
2 is also trying to apply for a permit. Some comments on
3 some of the subparts, and actually Subpart "D" that
4 relates to transit of restricted organisms through the
5 United States, and this is under Section 322.25 of the
6 General Requirements. What is a restricted organism, to
7 me, the moment that New Zealand has Varroa,
8 unfortunately, no matter inspections might say, will
9 fall into, my opinion, of the restricted organism. New
10 Zealand will be exploiting, so to speak, restricted
11 organism with Varroa. And there's no way U.S. can
12 control anything with Varroa. Varroa is very, very
13 lethal. In "C," it is stated that the
14 importing/exporting country may not transload the
15 restricted organisms in Hawaii. Once the shipment has
16 arrived in Hawaii, the restricted organisms must remain
17 on, and depart from the same aircraft on which the
18 shipment arrived. Indeed, if adult bees from approved
19 regions may not enter Hawaii because of the presence of
20 Varroa mites, tracheal mites or African honeybee, those
21 bees may transit Hawaii en route to another state or
22 territory of the United States only if the shipment of
23 bees meets the requirements of the Subpart, et cetera,
24 et cetera, et cetera. As a beekeeper, I will play the
25 devil's advocate. And the question is what if one of

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1 these aircraft carrying live packages with millions of
2 live bees in the cargo hold suffers a malfunction,
3 crashes, and the well intended, properly inspected,
4 contained packages gets dispersed? It takes only one
5 bee, carrying only one undetected mite, to introduce
6 this feared pest into the islands. I mean these things
7 will happen. Mechanical failure will happen. We open
8 Pandora's Box. You should see the pictures. You
9 probably have seen the pictures of those contained
10 packages flying through from New Zealand or from
11 Australia into Canada. Mistakes will happen. Under
12 Section 3322.29, Inspection and Handling. Paragraph
13 "B." If the adult bees cannot be transloaded
14 immediately to the subsequent flight, you must store
15 them within a completely enclosed building. Adult bees
16 may not be transloaded from an aircraft ground
17 transportation for subsequent movement through the United
18 States. Okay, imagine yourself. This airplane has
19 arrived in Hawaii. It's on transshipment. It's not
20 supposed to do any transshipment. Well, the plane, it
21 is broken down. You guys need to transship this stuff.
22 We will do it at night. Good question. Our airports do
23 not have, at this moment, as far as I know, an
24 operational procedural safeguard to prevent this type of
25 restricted organism. Nets rip, mistakes happen,

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1 forklifts lose their cargo. They do not have a safe,
2 completely enclosed building that could store thousands
3 of packages in transit for another destination.
4 Mistakes happen. I will remind you, it takes only one
5 bee, one free bee, with one Varroa mite on its back to
6 introduce the pest to the islands. Simple as that. And
7 now suppose a transporting aircraft is -- becomes
8 disabled and needs excessive repairs? Suppose it cannot
9 fly on with its cargo? How would the bees be
10 transported to another plane without using ground
11 transportation? Is the exporter willing to forego the
12 shipment and be cast off into safety concerns? I doubt
13 it. There's a lot of money involved, right? In
14 summary, the Continental United States, New Zealand and
15 Canada are all known to have the Varroa mite. Hawaii
16 has a delicate ecosystem and remains free of the Varroa
17 mite. There is far too much at stake to even consider
18 allowing bees into our state. Provisions allowing the
19 introduction into or through Hawaii need to be excluded
20 under this proposal. Hawaii needs to be protected.
21 Thank you for your consideration.

22 MR. KELLY: Thank you very much for coming
23 today, Mr. Krones. We have two more registered
24 speakers. Larry Nakahara and Frederic Colombo. Is
25 there anyone besides those two who didn't register but

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1 would like to speak after they speak? I'm just trying
2 to get an idea of how much time we have. Looks like
3 that's a no. Thank you. Mr. Nakahara, would you come
4 up?

5 MR. NAKAHARA: Good morning. My name is Larry
6 Nakahara, L-a-r-r-y N-a-k-a-h-a-r-a. And I'm the
7 Manager of the Plant Test Control Branch in the Hawaii
8 Department of Agriculture. This morning I'll be
9 speaking on Docket No. 98-109-1, and I'll be reading
10 from a testimony that's prepared by James Nakatani, who
11 is Chairperson of our Department of Agriculture, the
12 Hawaii Department of Agriculture. On August 19, 2002,
13 the Animal and Plant Health Inspection Service (APHIS)
14 of the United States Department of Agriculture,
15 published a proposed rule amending the Honeybee Act to
16 allow honeybees from Australia and honeybees and
17 honeybee germplasm from New Zealand into the United
18 States and prohibit the interstate movement of honeybees
19 into Hawaii. This would allow the import of honeybees
20 from Australia and New Zealand into Hawaii. We strongly
21 urge APHIS to reconsider this proposed rule as it could
22 have a serious impact on Hawaii's agricultural economy
23 as well as native bee fauna. We agree that the
24 interstate movement of honeybees into Hawaii should be
25 prohibited because of the establishment of the Varroa

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1 mite and tracheal mite in the Continental U.S.
2 Likewise, honeybees should be prohibited from entering
3 Hawaii from Canada and New Zealand because of the
4 presence of the Varroa mite in those countries. While
5 Australia may be free of the Varroa mite, we feel that a
6 comprehensive Varroa mite survey needs to be conducted
7 by government officials before a determination can be
8 made as to its presence or absence in that country. We
9 agree that there should be no off-loading of honeybees
10 in Hawaii from aircraft originating from New Zealand
11 during transshipments to other countries. In that
12 respect, this prohibition should also apply to Australia
13 until a comprehensive Varroa mite survey concludes its
14 absence in that country. APHIS's March, 2002 Risk
15 Assessment Importation of Adult Queens, Package Bees and
16 Germplasm of Honeybees, *Apis mellifera* from New Zealand,
17 discusses the importance of the Varroa mite in
18 international trade and the need to treat Hawaii
19 differently from other states when regulating the
20 movement of honeybees in commerce. According to this
21 risk assessment, the Varroa mite is considered a "pest
22 of international importance relative to the movement of
23 honeybees." The risk assessment goes on to state that
24 the "Hawaii Department of Agriculture has satisfactorily
25 demonstrated that all the Hawaiian Islands are free from

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1 Varroa mite. Therefore, Hawaii must be given special
2 consideration separate from that for the contiguous 48
3 states." Varroa is considered the worst scourge of
4 honeybee colonies worldwide. It is an external, blood-
5 sucking parasite that attacks primarily the immature
6 stages of bees. Death often ensues. If the victim
7 manages to survive, the resulting adult is usually
8 deformed in some way and incapable of contributing to
9 colony welfare. Colony population size dwindles over
10 time, and a heavy infestation can kill a colony within
11 two years. To combat the parasite, beekeepers must
12 resort to the use of expensive pesticides. However,
13 wild bee colonies have no defense. They have been
14 reported to be dying out on the U.S. mainland, where the
15 Varroa mite is well established. If that is true, the
16 steady decline in numbers of such an important
17 pollinator could have serious consequences for
18 agriculture in the United States, including Hawaii, that
19 is dependent on wild bees for pollination, if it should
20 become established in our islands. For many years,
21 Hawaii has had a prohibition on all dead or live
22 honeybees entering the State. The Varroa has never been
23 known to occur in the islands. The mite has never been
24 found by this department after many years of regular
25 inspection of commercial apiaries and the occasional

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1 examination of hobbyists' hives. However, no
2 statistically valid, comprehensive survey has ever been
3 taken to establish the absence of Varroa mite in Hawaii.
4 And to that end, a statewide survey for Varroa and other
5 parasitic bee mites was conducted during the years 2000
6 and 2001. In samples from 837 randomly selected
7 colonies in 138 apiaries on four islands (Kauai, Oahu,
8 Maui and Hawaii) not a single mite was found.
9 Similarly, Australia needs to conduct a comprehensive
10 survey of its apiaries before APHIS can make their
11 determination that the country is free of the Varroa
12 mite. APHIS's March , 2002 Pest Risk Assessment from
13 Australia on honeybees states that under current laws,
14 "Beekeepers are required to notify relevant state
15 government authorities of notifiable diseases." Varroa
16 mite is a notifiable disease in Australia. And while it
17 is reasonable to assess the presence of the Varroa mite
18 on the reporting of this disease by beekeepers, it
19 should not be used as the basis for assessing the
20 absence of this disease. Absence of the Varroa mite
21 should be based on comprehensive surveys conducted by
22 government officials at least similar in scope to that
23 done in Hawaii. This is especially so since Australia
24 has no prohibition on the importation of honeybees from
25 areas where the Varroa mite occurs, and the Varroa mite

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1 occurs in nearby Papua New Guinea. According to the
2 above risk assessment, an import permit can be issued by
3 the Manager of the Animal Programs Section of the
4 Australian Quarantine Inspection Service for queen bees
5 and their escorts from countries where Varroa mite
6 occurs with a pre-export inspection and specific import
7 conditions. The March, 2002 risk assessment on
8 honeybees from New Zealand, however, clearly illustrates
9 how difficult a pre-export inspection can be.
10 "Detection is often difficult; populations build for
11 several years before being detected. This was
12 demonstrated with the widespread distribution of Varroa
13 destructor in New Zealand at the time it was first
14 discovered on the North Island." APHIS is satisfied
15 with assurances from New Zealand and Australia that all
16 shipments will be inspected and certified as Varroa mite
17 free. However, the rapid spread of Varroa across the
18 globe during the last 50 years attests to the ease with
19 which this destructive parasite can thwart zoosanitary
20 measures and circumvent quarantines. The health of
21 Hawaii's honeybee population, one of the last on earth
22 that is free of parasitic mites, clearly would be at
23 risk should colonies of New Zealand and Australian bees
24 be allowed into the state. Similarly, the transshipment
25 of honeybees through Hawaii from New Zealand or

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1 Australia would put this state at risk. The proposed
2 rule, it is our understanding, that the proposed rule
3 would not allow the transloading of packaged honeybees
4 or queens in Hawaii from an approved area if there is
5 presence of Varroa mite, tracheal mite or African
6 honeybee from these countries. WE agree with this
7 proposal. Currently, an informal training protocol that
8 was developed between New Zealand and Hawaii whereby
9 each package of bees included a fluvalinate or Apistan
10 strip to destroy any Varroa mite, and the packages were
11 secured under double netting to prevent any escapes if
12 the packages were compromised while in Hawaii. And I
13 just want to make a comment that you -- we appreciate
14 working with our New Zealand counterparts on this
15 protocol because it was above and beyond what was
16 required under the old or the present rules. Now, this
17 protocol was agreed to under the existing honeybee
18 regulations which allowed the transiting of honeybees
19 through the islands. It is clearly not in the best
20 interest of the State for this activity to continue now
21 that the Varroa mite has been found in New Zealand and
22 no comprehensive survey for the Varroa mite has been
23 undertaken in Australia. Honeybees are an important
24 element of the economy in Hawaii, contributing to
25 millions of dollars to the State's economy. They are

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1 important pollinators of Hawaii's diverse crops, and
2 queen bee breeding and honey production are profitable
3 industries. Hawaii's lack of serious bee pests like the
4 Varroa mite is an excellent point for the State's queen
5 breeders, ensuring a superior product that is sought by
6 customers all over the world, including the rest of the
7 U.S. Introduction and establishment of a pest like the
8 Varroa mite would devastate the bee industry in Hawaii
9 and likely threaten the State's agriculture, which
10 relies almost entirely on pollination from wild
11 honeybees. Everything possible should be done to
12 protect Hawaii's honeybees and native bee fauna from
13 exotic biohazards like the Varroa mite. Thank you.

14 MR. KELLY: Thank you very much for your
15 comments.

16 MR. NAKAHARA: And I think I gave you a couple
17 copies.

18 MR. KELLY: Yes, we have your written copies.
19 One more scheduled speaker, and then we will allow some
20 time for questions, if there are any. In fact, Wayne,
21 after the final speaker, I'll give you the opportunity,
22 if you want to clarify anything that you heard today or
23 any questions that were raised from the regulation, if
24 you think you have anything that could give an
25 understanding, I'll give you a chance to talk a little

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1 bit about that. So our final scheduled speaker for
2 today is Mr. Frederic Colombo.

3 MR. COLOMBO: My name is Frederic Colombo.
4 F-r-e-d-e-r-i-c. Colombo, C-o-l-o-m-b-o. I'm a French
5 beekeeper, and I just want to bring over testimony, so I
6 write down something. Having a passion for traveling
7 and beekeeping for more than ten years now, it led me to
8 work in different bee business in different countries
9 such as France, Switzerland, Canada, New Zealand and
10 Australia. Using or producing queens and packages, let
11 me tell you what I know about the risks involved in
12 buying bees from different parts of the world. Being a
13 northern beekeeper from a cold temperate climate, what
14 such a delight to get early spring queens or buy a
15 different bee genetic material. But this is the emerged
16 part of the iceberg, while the biggest danger is
17 underwater. The first obvious one is the spread of
18 mites and disease (American foulbrood, tracheal mites,
19 Nosema and Chalk Brood) because as the sanitary controls
20 are, and business taking over good beekeeping practices,
21 how easy it is after a phone call to get an export
22 certificate for live bees. I have personally worked at
23 a bee business in New Zealand that couldn't fill in
24 orders to Canada, buy queens from other beekeepers whose
25 bees were not sanitary inspected. And back against the

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1 wall we had we had African trouble in our hives, which
2 didn't stop us to have this export certificate even so
3 we didn't correct the problem by destroying the infected
4 hives with Varroa from New Zealand, and worst, taking
5 the risk to use these bees for attendants or packages.
6 In Australia, it is the same thing to get the sanitary
7 certificate. A phone call to your buddy who may not
8 even come and check the bees out. Where I was working I
9 have never seen so much chalk brood, weekend hives and
10 so spread out that anyway the owner couldn't ignore it.
11 Apparently the poor hygienic behavior of bees was the
12 cause, but they send them over, say they will take care
13 of it for next season. The reality, even if you have
14 the facilities quarantine at the airport, they stopped
15 bees being smuggled into Australia by one of the largest
16 queen breeders who was returning from travel in Europe.
17 Even so, they endangered their mite-free paradise. Is
18 it still mite free? I won't talk about bees that were
19 regularly smuggled in Switzerland or use of forbidden
20 medication, but what about the bees imported from
21 Southern California or Texas to Europe, when you know
22 about the Africanized bees? Is the mad cow disease or
23 the massive spread of agricultural contaminated with
24 antibiotics, by example shouldn't moderate some business
25 practices. Be aware of what the economic pressure can

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1 push you to do, and the difference between what the
2 rules are and what really happens. Thanks for
3 listening.

4 MR. KELLY: Thank you very much, Mr. Colombo.
5 I'm going to give the microphone to Wayne in just a
6 moment. Before I do that, I just wanted to mention one
7 thing that may not have occurred to everyone. As we
8 accept comments on this proposed rule, you're encouraged
9 not only to comment on directly what you see in the
10 rule, but if you heard anything today or see anything in
11 this transcript when it's published on our website to
12 which you want to either amplify or rebut or address
13 with more data, please feel free to submit comments that
14 address not just what we've published in the rule, but
15 what you see in submissions from other commenters. Not
16 only does that expand the scope of the rule to all the
17 relevant issues, but it may help us with our analysis of
18 comments when we have to look at the whole universe of
19 the comments we receive. Now let me see if Wayne has
20 anything to add.

21 MR. WEHLING: No, I have no concluding remarks
22 or follow-up comments. I appreciate all of you coming
23 out today and I very much appreciate what you had to
24 say. Clearly, my introductory comments were relatively
25 elementary. You have a very firm and solid

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1 understanding of these proposed rule changes. So I am
2 very impressed with that. One change that was -- one
3 comment that was made today that took me by surprise was
4 Helen's comment about New Zealand not having an interest
5 in a market share in Hawaii. That's a complete turn
6 table from what I understand -- understood the situation
7 to be, so I'm very intrigued with that comment. But,
8 otherwise, I have no comments, no further comments. And
9 if you have any comments, questions for me, please, I
10 think this is the time to bring that up.

11 MR. KELLY: Yes. I'd just ask if you have a
12 question, I know it's inconvenient, but if you wouldn't
13 mind coming up to the microphone because then it gets
14 captured the record. But, please, if there are any
15 questions or clarifications you want, now is the time.
16 Thank you. You have some comments?

17 DR. BEBAN: I'd like to clarify the situation
18 as I know it as far as importation of genetic material
19 and queen bee genetic material into New Zealand. I
20 haven't got a long association with MEF. I've been in
21 MEF only eight months. So the history of many people
22 here, such as Gus, would know better than me. But
23 during my time in MEF, one of my assignments has been to
24 oversee the development of a risk assessment for
25 honeybee and genetic material into New Zealand. So that

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1 is something that I'm working on, honeybee genetic
2 material coming into New Zealand, and that is under
3 development. At the moment, the draft has been written.
4 It has been given to experts, including United States
5 experts. And when that has been changed according to
6 the expert opinions, it will be available for public
7 submission. And, of course, any of you here are able to
8 do that as well. And that will be on the MEF website.
9 I can give you that website and you'll be very welcome
10 to check that. Unfortunately, we weren't -- you won't
11 be getting individual notification, but I could give
12 that to a representative here when it is released so
13 that you will know to check that site, so you can tell
14 me who is the most appropriate person to make note, and
15 then you could read that, and give any comments to MEF.
16 And all comments are taken into account, and a copy of
17 the submissions, all the submissions, are given back to
18 the submitters.

19 UNIDENTIFIED SPEAKER: Why is the fixation
20 upon the transiting of bees in flight? You have
21 aircraft running through the field. Why do you have to
22 come through Hawaii to transit the bees?

23 DR. BEBAN: I'm told that the facilities here,
24 and the way that the process works here, is excellent,
25 that is one reason. But it's difficult to get shipping

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1 space often. That's another thing that I'm told. So
2 that the shippers want as many possible destinations as
3 they are possible. There are no direct flights for New
4 Zealand to Canada. They are transshipped. So that is
5 the reason that we brought the transloading rather than
6 not. There are, I agree with you, there are other
7 destinations, and I think there were two main exporters.
8 One exporter has not used Hawaii for quite some time in
9 regard and respect to your conditions here. The -- as
10 far as the quality system, there are -- and I know that
11 they're not perfect, but there are provisions in the
12 quality system for if an accident does happen, which
13 there are provisions for that as well. But, of course,
14 that can't be 100 percent. No way. Any -- am I allowed
15 to ask if there's any other questions of me?

16 MR. KELLY: We might as well. That's --
17 you're here.

18 UNIDENTIFIED SPEAKER: Can you tell me what
19 percentage of queens and packing that you shipped last
20 year?

21 DR. BEBAN: I don't have that information, but
22 if you'd like to give me your email, I'll get that
23 information and get that to you.

24 UNIDENTIFIED SPEAKER: [INAUDIBLE].

25 DR. BEBAN: I'll get that to you.

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1 MR. WEHLING: If you have the New Zealand risk
2 assessment, it's referenced on the back of that.

3 DR. BEBAN: Oh, good. Okay. Thanks.

4 UNIDENTIFIED SPEAKER: The packages or the
5 queens...

6 DR. BEBAN: Yes, there are. I don't -- the
7 two main exporters are in the North Island, but there
8 are -- there are exporters small scale in the South
9 Island.

10 UNIDENTIFIED SPEAKER: Thank you.

11 DR. BEBAN: Thank you.

12 MR. KELLY: Are there -- does anyone in the
13 audience have any questions or clarifications that they
14 would like to ask of Wayne or me, or any final remarks
15 or comments that you'd like to make? Please come up.

16 MS. MIGLIORI: I just would like to...

17 MR. KELLY: And state your name again.

18 MS. MIGLIORI: I'm Judy Migliori. Now...

19 MR. KELLY: Would you spell that, please?

20 MS. MIGLIORI: J-u-d-y M-i-g-l-i-o-r-i. And I
21 wonder if we take over the federal screening, or the
22 inspection then for honeybees coming into the State of
23 Hawaii, is that true, if the proposed rule?

24 MR. WEHLING: Yes.

25 MS. MIGLIORI: Would we have preemption over

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1 state?

2 MR. WEHLING: Yes.

3 MS. MIGLIORI: What are the pathways for the
4 honeybees coming in from the United States? That's what
5 I just wanted to ask of Larry, actually, the pathways.
6 I mean they haven't come in yet, and we're doing a good
7 job, but just, I guess, that will be clarified in the --
8 the rules.

9 MR. WEHLING: There would be no change to
10 what's currently in action.

11 MS. MIGLIORI: Okay. Except for that we'd be
12 conducting it with Plant 14 officers instead of state.

13 MR. WEHLING: Right.

14 MS. MIGLIORI: Okay. So there would be no
15 difference. Okay.

16 MR. KELLY: Thank you. Please come up.

17 MR. WONG: My name is Lyle Wong, L-y-l-e
18 W-o-n-g. I'm an Administrator for the Plant Industry
19 Division for the State Department of Agriculture. Just
20 a clarification. If the proposed rules go through as
21 drafted here, Subpart "D," transiting of restricted
22 organisms through the United States, Section "D" says if
23 a bee leaves from approved regions, may not enter Hawaii
24 because of the presence of Varroa mite, tracheal mite or
25 African honeybee, those bees may transit Hawaii en route

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1 to another state or territory of the United States only.
2 if the shipment of the bees meets the requirements of
3 this subpart, as well as other applicable requirements
4 in this part. Now, with this rule going through as is,
5 should it go through as is, what would be the
6 requirement on Australian bees transiting Hawaii? Would
7 they be considered approved articles that would be
8 allowable transshipping, unloading, to go into a
9 practical flight to the U. S. Mainland or Canada? Now
10 what would be the APHIS requirements on the conditions
11 of transshipment through the State of Hawaii?

12 MR. KELLY: You're asking specifically about
13 all transshipment requirements for Australia?

14 MR. WONG: Yeah, what transshipment
15 requirements would apply to Australia bees through
16 Hawaii? There's a provision for no transloading of
17 restricted articles for New Zealand and Australia if the
18 risk assessment is that there are no Varroa mites in
19 Australia. What would be the transshipment
20 restrictions, if any, for those bees coming through
21 Hawaii?

22 MR. WEHLING: There would be no restrictions.

23 MR. WONG: Okay.

24 MR. WEHLING: Because today, or a number of
25 years now, we've asked New Zealand to double net and to

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1 include the strip. Now, if we were -- if we had no
2 other option through the State of Hawaii, would leave
3 you in a position to require Australia to double net and
4 to put an Apistan strip in each and every container. I
5 don't believe so. No.

6 MR. WONG: That's what I thought. Thank you.

7 MR. KELLY: We have one more question from the
8 audience.

9 UNIDENTIFIED SPEAKER: What's the probability
10 of the passage of this bill?

11 MR. KELLY: I am not going to dodge it, but I
12 do have to say, we just can't tell you now. We have to
13 see what comments come in, what issues are raised before
14 November 18, and then sit down and analyze them, so we
15 won't have a final decision until well after that
16 November 18 date, when we have a chance to have our --
17 all of our experts consult with each other and analyze
18 these things that are raised.

19 MR. WEHLING: And this is the first of the
20 three public hearings. Prior to this we've received
21 about ten communiqués. I left town about a week ago,
22 and we had received about ten comments up to that point,
23 most of which echo what I've heard here today.
24 Certainly, what becomes of this, it's going to depend
25 very much on how much input we receive from the public.

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1 And again, for those who spoke for larger groups, please
2 encourage all of your membership to submit comments
3 individually, in addition to those submitted on behalf
4 of the entire group.

5 UNIDENTIFIED SPEAKER: Is there a deadline for
6 the passage of this proposal?

7 MR. WEHLING: Not for passage of this
8 proposal. The deadline for comments is, of course,
9 November 18. How long it will take for the docket to go
10 forward after that is unclear. We have a lot of other
11 issues that have come up as a result of 9/11, and new
12 security act that has been passed. So there can be some
13 delays as a result of that.

14 UNIDENTIFIED SPEAKER: [INAUDIBLE].

15 MR. WEHLING: Well, the person who cites the
16 rule is normally the Administrator of the Animal and
17 Plant Health Protection Service. Sometimes an even
18 higher level, the Under Secretary of Agriculture for
19 Marketing and Regulatory Services would sign on.

20 UNIDENTIFIED SPEAKER: Is this the rule that
21 it can either as pass as proposed or not pass, or could
22 it have the possibility if it would pass that we could
23 get the excessive crossed out of it?

24 MR. WEHLING: There are -- there is the
25 possibility for change. That's what this comment

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1 process is all about. The final rule could either
2 exactly repeat what was in the proposal and say this is
3 being finalized, or it could discuss the comments and
4 the issues that were raised, and say that the Agency
5 believes that there's a rational basis for making this
6 or that change to the rule based on the comments that
7 you made. In fact, in most cases, with a rule this
8 size, there are almost always some changes made based on
9 comments.

10 MR. KELLY: Any last remarks or comments or
11 questions?

12 UNIDENTIFIED SPEAKER: We do want to expand on
13 our market, what would be the best contact for us where
14 we could get our government to work for us as well as --
15 our export markets, our markets in general...

16 MR. WEHLING: That's -- okay, it's the rule
17 affects what happens in the United States and in ports
18 of transit through the United States. That's kind of
19 outside the scope of what we're discussing this morning;
20 however, after the meeting, I will give you the contact
21 points in the USDA for questions concerning exports
22 rather than imports and you might also just -- you might
23 also choose to discuss that with people from New Zealand
24 or Australia as well. But I'm not going to reply on the
25 record to that because it's outside the scope of what we

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1 are here.

2 MR. KELLY: Any more questions or comments?

3 MR. WEHLING: Thank you.

4 MR. KELLY: That's it. We will go off the
5 record now. One last reminder. If you have a parking
6 ticket and didn't get it stamped, please see Linda on
7 your way out, and we really appreciate your taking the
8 time to come today and we'll very carefully consider
9 everything that we've heard today and any future
10 comments submitted by November 18. The Hearing is now
11 closed. It is 11:05.

12

1 CERTIFICATE OF REPORTER, TRANSCRIBER AND PROOFREADER

2
3
4 IN RE: Honeybee regulations5
6 HELD AT: Kailua-Kona, Hawaii7
8 DATE: October 22, 2002
9

10 We, the undersigned, do hereby certify that the
11 foregoing pages, numbered 1 through 70, inclusive, are
12 the true, accurate and complete transcript prepared from
13 the reporting by the reporter in attendance at the above
14 identified hearing, in accordance with applicable
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16 verified the accuracy of the transcript by (1) comparing
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18 recording accomplished at the hearings, and (2)
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21 hearing.

22
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25 Janet R. Smeltz, Transcriber
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30 Sarah Mowrer, Proofreader
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32

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35 Rob Carlyon, Reporter
36 York Stenographic Services, Inc.
37

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